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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,621	09/23/2003	Edward M. Ives	18133-122	2189
30623	7590	08/04/2006		EXAMINER
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			HAMZA, FARUK	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,621	IVES, EDWARD M.	
	Examiner Faruk Hamza	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment

1. This action is responsive to the amendment filed on June 26, 2006. Claim 13 has been amended. Claims 25-28 are newly added. Claims 1-28 are now pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3,5-7,9-13,15-16,18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ewing et al. (U.S. Patent Number 6,711,613) hereinafter referred as Ewing.

Ewing teaches the invention as claimed including an SNMP network comprises a power manager with and SNNP agent in TCP/IP communication over a network with an SNMP network manager (See abstract).

As to claim 1, Ewing teaches A computer program product for use with a computer that includes a communication interface for sending and receiving information over a communication network and that is connected to an uninterruptible power supply (UPS) that monitors and supplies information regarding power status associated with the UPS, the computer program product residing on a computer-readable medium and comprising computer-executable instructions for causing the computer to:

process data received from the UPS to which the computer is coupled to produce indicia of changes in power status associated with the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses receiving indicia of change in power status);

provide the indicia of changes in power status associated with the UPS to the communication interface destined for a remote device (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10,

lines 48, Ewing discloses providing indicia of changes in power status associated with UPS); and

provide geographic information associated with the indicia of changes in power 15 status that indicates a geographic location associated with the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses geographic information associated with the indicia of changes in power).

As to claim 2, Ewing teaches the computer program product of claim 1 further comprising instructions for causing the computer to process data entered by a user of the computer to produce the geographic information (Column 8, lines 63-Column 9, lines 11).

As to claim 3, Ewing teaches the computer program product of claim 1 further comprising instructions for causing the computer to process external power-status information received via the communication interface and to display indicia of power status and at least one geographic region associated with the indicia of power status in accordance with the processed external power-status information (Column 8, lines 63-Column 9, lines 11).

As to claim 5, Ewing teaches the computer program product of claim 3 further comprising instructions for causing the computer to store data regarding

changes in power status for historical display associated with at least one period of time (Column 2, lines 41-57).

As to claim 6, Ewing teaches the computer program product of claim 1 further comprising instructions for causing the computer to display an indication of a quantity of UPSs experiencing power failures in the geographic region (Column 2, lines 12-24).

As to claim 7, Ewing teaches An apparatus for communicating via a communication network with multiple remote devices connected to uninterruptible power supplies (UPSs) that monitor 15 and supply information regarding power status associated with the UPSs, the apparatus comprising:

a communication interface configured to transfer data with the communication network (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses communication interface transfers data with communication network); and a processor coupled to the communication interface and configured to: collect power-status data and associated geographic data received from the remote devices via the communication interface, the power-status data indicating power status of the UPSs associated with the remote devices providing the power-status data, the geographic data indicating geographic locations associated with the UPSs (Column 4, lines 19-47, Column 5, lines 36-Column 6,

lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses collecting power status data via communication interface);

analyze the power-status data and associated geographic data to determine power status of geographic regions indicated by the geographic data in accordance with the corresponding power-status data (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses analyzing power status); and

send indicia of the determined power status of at least one geographic region toward at least one of the remote devices via the communication network (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses determining indicia of power status of geographic region).

As to claim 9, Ewing teaches the apparatus of claim 7 wherein the processor is further configured to store the determined power status and to provide historical power status for the at least one geographical region (Column 2, lines 41-57).

As to claim 10, Ewing teaches the apparatus of claim 9 wherein the processor is configured to determine at least one of percentages and numbers of remote devices in a region whose power is anomalous (Column 2, lines 12-24).

As to claim 11, Ewing teaches the apparatus of claim 7 wherein the processor is configured to send the determined power status data at least one of periodically and in response to a received indication of a power status change from at least one of the remote devices (Column 8, lines 63-Column 9, lines 11).

As to claim 12, Ewing teaches the apparatus of claim 7 wherein the processor is further configured to monitor heartbeat signals from the remote devices and provide indicia of failures if the processor fails to detect at least one heartbeat signal in a threshold amount of time (Column 2, lines 57-66).

As to claim 13, Ewing teaches A method of indicating power status in multiple geographic regions, the method comprising:

receiving, at a plurality of devices, indicia of power status from multiple uninterruptible power supplies (UPSs) coupled to the devices, the indicia of power status including geographic information multiple geographic regions associated with the respective UPSs (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses receiving indicia of power status); determining power-status data from the received indicia (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses determining power status data);

receiving power-status data from the plurality of devices coupled to the UPSs via a communication network (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses receiving power status data via communication network);
analyzing the power-status data according to multiple geographic regions associated with the power-status data (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses analyzing power status data); and
sending indicia of power status associated with the multiple geographic regions toward at least one of the plurality of devices via the communication network (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses sending indicia of power status).

As to claim 15, Ewing teaches the method of claim 13 wherein the sending occurs at least one of periodically, in response to receiving an indication of a power-status change from at least one of the plurality of devices, and on demand by a user-initiated action (Column 8, lines 63-Column 9, lines 11).

As to claim 16, Ewing teaches the method of claim 13 further comprising displaying the indicia of power status at the at least one of the plurality of devices to indicate power status of the multiple geographic regions (Column 8, lines 63-Column 9, lines 11).

As to claim 18, Ewing teaches the method of claim 13 further comprising displaying the indicia of power status at the at least one of the plurality of devices to indicate power status of at least one of the multiple geographic regions in any of a variety of resolutions of geography (Column 8, lines 63-Column 9, lines 11).

As to claim 19, Ewing teaches the method of claim 18 further comprising displaying at least one of a number and a percentage of UPSs in the at least one geographic region whose power is anomalous (Column 2, lines 12-24).

As to claim 20, Ewing teaches the method of claim 13 further comprising displaying the indicia of power status at the at least one of the plurality of devices to show power status over any of a selected variety of historical time periods (Column 2, lines 41-57).

As to claim 21, Ewing teaches the method of claim 13 further comprising sending an indication to a selected one of the plurality of devices indicating a local power anomaly in response to determining that relatively few power anomalies are associated with a geographic region associated with the selected device (Column 8, lines 41-Column 9, lines 11).

As to claim 22, Ewing teaches In combination:

an uninterruptible power supply (UPS) (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses UPS); and

a device for use with a communication interface for sending and receiving information over a communication network, the device being configured to:

determine, from information received from the UPS, indicia of power status at the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses determining indicia of power status);

provide indicia of changes in power status at the UPS to the communication interface destined for a remote server (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses providing indicia of changes in power); and

provide geographic information associated with the indicia of changes in power status that indicates a geographic location of the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, Ewing discloses providing geographic information with indicia of changes of power status).

As to claim 23, Ewing teaches The combination of claim 22 wherein the device comprises a computer program product residing on a computer-

readable medium and comprising computer-readable and computer-executable instructions for causing a computer to provide the indicia and to provide the geographic information (Column 8, lines 63-Column 9, lines 11).

As to claim 24, Ewing teaches the combination of claim 22 wherein device comprises a card configured to be physically and electrically coupled to the UPS and includes the communication interface (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48).

As to claim 25, Ewing teaches the computer program product of claim 1 wherein the geographic information is a physical location, global positioning satellite coordinates, a street address, a ZIP CODE, a city, a county, a state, a country, or a power grid used by the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, It is well known in the art that IP address indicate physical or geographic location of devices).

As to claim 26, Ewing teaches the apparatus of claim 7 wherein the geographic data is a physical location, global positioning satellite coordinates, a street address, a ZIP CODE, a city, a county, a state, a country, or a power grid used by the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51,

Column 8, lines 63-Column 10, lines 48, It is well known in the art that IP address indicate physical or geographic location of devices).

As to claim 27, Ewing teaches the method of claim 13 wherein receiving, at the plurality of device, indicia of power status from the multiple UPSS includes receiving information indicative of a physical location, global positioning satellite coordinates, a street address, a ZIP CODE, a city, a county, a state, a country, or a power grid used by the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, It is well known in the art that IP address indicate physical or geographic location of devices).

As to claim 28, Ewing teaches the combination of claim 22 wherein the geographic information includes information indicative of a physical location, global positioning satellite coordinates, a street address, a ZIP CODE, a city, a county, a state, a country, or a power grid used by the UPS (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48, It is well known in the art that IP address indicate physical or geographic location of devices).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4,8,14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing as applied above, and further in view of Sheynblat et al. (U.S. Patent Number 6,677,894) hereinafter referred as Sheynblat.

Ewing teaches the invention substantially as claimed including an SNMP network comprises a power manager with and SNNP agent in TCP/IP communication over a network with an SNMP network manager (See abstract).

As to claim 4, Ewing teaches the computer program product of claim 3 (Column 8, lines 63-Column 9, lines 11).

Ewing does not explicitly teach the claimed limitation of displaying indicia of weather condition of geographic region.

However, Sheynblat teaches the claimed limitation of displaying indicia of weather condition of geographic region (Column 21, lines 5-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ewing by sending weather condition of a geographic region, which will benefit the user of the system by informing the weather condition of particular geographic region. One would be motivated to do so to enhance the system's usability.

As to claim 8, Ewing teaches the apparatus of claim 7 (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48).

Ewing does not explicitly teach the claim limitation of collect weather data of remote device's geographic region.

However, Sheynblat teaches the claimed limitation of collecting weather data of geographic region (Column 21, lines 5-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ewing by sending weather condition of a geographic region, which will benefit the user of the system by informing the weather condition of particular geographic region. One would be motivated to do so to enhance the system's usability.

As to claim 14, Ewing teaches the method of claim 13 (Column 4, lines 19-47, Column 5, lines 36-Column 6, lines 51, Column 8, lines 63-Column 10, lines 48).

Ewing does not explicitly teach the claim limitation of determining weather of device's geographic region.

However, Sheynblat teaches the claimed limitation of determining weather of geographic region (Column 21, lines 5-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ewing by sending weather condition of a geographic region, which will benefit the user of the system by informing the weather condition of particular geographic region. One would be motivated to do so to enhance the system's usability.

As to claim 17, Ewing teaches the method of claim 16 (Column 8, lines 63- Column 9, lines 11).

Ewing does not explicitly teach the claim limitation of displaying map of geographic region.

However, Sheynblat teaches the claimed limitation of displaying map of geographic region (Column 21, lines 5-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ewing by displaying map of a geographic region, which will benefit the user of the system by directing to a particular geographic region. One would be motivated to do so to enhance the system's usability.

4. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

In the remarks applicant argues in a substance that; A) Ewing do not disclose providing geographic information that indicates a geographic location associated with the network appliances.

In response to A) Applicant's arguments are inconsistent with the claims since the claims are not directed to network appliances as argued by the applicant. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986); *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER